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AUG 18 2008
UNITED STATES DISTRICT COURT

MEMO ENDORSED



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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August 18, 2008

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Via Fax (212)805-7927
Hon. Naomi Reice Buchwald
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Costor v Sanders, et. al.
07CV11311 (pro se)

Dear Judge Buchwald:

This letter is written on behalf of defendants respectfully to request an extension of time from August 20, 2008 until September 22, 2008 to respond on behalf of all defendants to the pro se Section 1983 complaint alleging excessive use of force at Lincoln Correctional Facility on January 15, 2007.

Our records reflect that as of this date, defendants Corrections Officers Ruben S. Gardner, Larry Henderson and Sergeant Kevin Barry have been served with the complaint and are represented by the Office of the Attorney General ("OAG"). Defendant Corrections Officer Lisa Sanders has authorized our office to accept service of the complaint on her behalf.

We are requesting additional time to respond to the complaint because we are in the process of determining whether a counterclaim will be interposed on behalf of Officer Sanders who was injured in the incident. Except for defendants' initial request to respond by August 20th, no other requests have been made for a further extension. I did not obtain plaintiff's consent prior to making this application because he is incarcerated.

Respectfully submitted,

Donald Nowve
Assistant Attorney General
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c: Jermin Costor
Plaintiff pro se 08A2409
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Ordered
Reice
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